

ARKANSAS COURT OF APPEALS

DIVISION III
No. CACR 11-641

JEREMY J. REYNOLDS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered AUGUST 29, 2012

APPEAL FROM THE CONWAY
COUNTY CIRCUIT COURT,
[NO. CR-10-146]

HONORABLE JERRY D. RAMEY,
JUDGE

DISMISSED

JOHN B. ROBBINS, Judge

In March 2011, appellant Jeremy J. Reynolds pleaded no contest to failing to comply with Arkansas's sex-offender registration requirements before the Conway County Circuit Court. This charge resulted from appellant's failure to provide a correct current address with the registry as he was released from an Arkansas prison; he provided an Arkansas address, he admittedly never lived there, and he was arrested in another state. Appellant maintained that although he did not comply, the New York convictions that triggered his obligation to register in Arkansas were not valid. The trial court accepted his plea, found him guilty, and gave appellant a ten-year prison sentence with five of those years suspended, plus a \$1000 fine.¹ His attorney filed a timely notice of appeal from that judgment and commitment order.

¹Although the judge and both attorneys agreed that appellant was entitled to seventy-five days of jail-time credit, it is not reflected on the judgment and commitment order.



Appellant's attorney filed a no-merit brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Ark. Sup. Ct. R. 4-3(k) (2011), along with a motion to be relieved as counsel, asserting that there is no issue of arguable merit in an appeal. A request to withdraw on the ground that the appeal is wholly without merit shall be accompanied by a brief including an abstract and addendum. Ark. Sup. Ct. R. 4-3(k)(1). The brief shall contain an argument section that consists of a list of all rulings adverse to the defendant made by the circuit court on all objections, motions and requests made by either party with an explanation as to why each adverse ruling is not a meritorious ground for reversal. Rule 4-3(k)(1). See also *Eads v. State*, 74 Ark. App. 363, 47 S.W.3d 918 (2001). It is both the duty of counsel and of this court to perform a full examination of the proceedings as a whole to decide if an appeal would be wholly frivolous. *Campbell v. State*, 74 Ark. App. 277, 279, 47 S.W.3d 915, 917 (2001).

Appellant was provided a copy of the motion and brief by mail and was notified of his right to file pro se points for reversal. Appellant did not file any pro se points. The State elected not to file a brief with our court. We have determined that we lack jurisdiction to hear an appeal because there is no right to appeal from this no-contest plea. Thus, we dismiss.

Arkansas law does not provide a means to appeal a no-contest plea except in special circumstances that are not present in this appeal. Ark. R. Crim. P. 24.3(b) (2011). Appellant here conceded that he failed to comply with sex-offender registration requirements. There were no adverse rulings in the hearing where appellant entered his plea. See *Kelley v. State*, 2012 Ark. App. 36. Following the entry of this conviction, appellant filed a pro se motion



Cite as 2012 Ark. App. 440

for jail-time credit with the circuit court, which was denied in a written order. Appellant did not file a notice of appeal from the order denying his requested jail-time credit.² Also following his conviction and pending the appeal, we entertained and denied two motions: a motion to reinvest the trial court with jurisdiction and a petition for writ of error coram nobis. To the extent any relief can be afforded appellant subsequent to dismissal of this appeal, those issues may be raised in an appropriate postconviction petition pursuant to Ark. R. Crim. P. 37. See *Pineda v. Norris*, 2009 Ark. 471(citing Ark. R. Crim. P. 37.1(a)); *Dansby v. State*, 343 Ark. 635, 37 S.W.3d 599 (2001); *Cooley v. State*, 322 Ark. 348, 909 S.W.2d 312 (1995)(citing Ark. R. Crim. P. 37.2(c)); *Morgan v. State*, 73 Ark. App. 107, 42 S.W.3d 569 (2001).

Dismissed.

VAUGHT, C.J., and ABRAMSON, J., agree.

Brandon J. Harrison, for appellant.

No response.

²One exception to the rule, that there is no right to appeal a guilty or no-contest plea, is found in the appeal of the denial of a motion for jail-time credit. See *Jones v. State*, 301 Ark. 510, 785 S.W.2d 217 (1990).